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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,817	11/01/2000	Takeshi Misawa	Q61579	9981

7590 11/17/2004

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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/702,817

Applicant(s)

MISAWA ET AL.

Examiner

Kelly L. Jerabek

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 4-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/11/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant elected the first species corresponding to figures 1-2 and claims 1-3 in the reply filed on 8/27/2004.

Claims 4-30 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/27/2004

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 rejected under 35 U.S.C. 103(a) as being anticipated by Ejima et al. US 6229953.**

Re claim 1, Ejima discloses in figures 1-2 and 12-14 an electronic camera. The camera includes a front face (X2) (figs. 2, 12, 14) and a back (X1) (figs. 1,13) opposed to the front face. The camera is designed so that a user can hold the camera using either their right hand or their left hand (col. 4, lines 38-57; figs. 12-14). Therefore, the camera can be grasped by an operator's hand on a region of the front face (X2) and the back (X1). The camera also includes a plurality of switches including a sound recording switch (12) on the front face (X2) of the camera and a release switch (10) on the back face (X1) of the camera (col. 16, line 61 – col. 17, line12; figs. 13,14). The camera also includes a capturing lens (3) provided on the back (X1) and an image monitor (6) that is provided above the sound recording switch (12) and the release switch (10) (figs. 13,14; col. 16, lines 61-66). Although, the release switch (10) is provided on the back face (X1) of the body so that a user can press it with an index finger and the sound recording switch (12) is provided on the front face (X2) of the body so that a user can press it with a thumb (col. 16, line 61- col. 17, line 4), the face (X1,X2) that each switch is provided on is immaterial. The camera would work in the same way if the functions of the two switches were reversed. The important aspect of the invention is that the release switch (10) and the sound recording switch (12) are positioned opposite each other so that there is no obstruction to the lens when holding the apparatus (col. 16, lines 54-60). Therefore, it would have been obvious for one skilled in the art to have

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been motivated to provide the release switch (10) on the front face (X2) of the body and to provide the sound recording switch (12) on the back face (X1) of the body. Doing so would provide a means for allowing a user to operate the switch on the front face (X2) with their thumb and operate the switch on the back face (X1) with their index finger (Ejima: col. 17, lines 1-4).

Re claim 2, the release switch (10) and the sound recording switch (12) are each positioned at a center in a direction perpendicular to a longitudinal direction of the camera body (figs. 13,14).

Re claim 3, the image monitor (6) is provided on substantially the same plane as the plane on which the sound recording switch (12) is provided (fig. 14).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ejima et al. (US 2001/0012065) discloses an information processing apparatus.

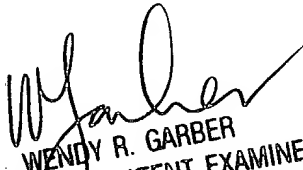
### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
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